

## Frequently Asked Questions

### *Am I covered by this rule?*

Yes, if you own or operate any vessel or facility located on or adjacent to “waters subject to the jurisdiction of the United States”. However, only those vessels and facilities specified in parts 104, 105, and 106 of title 33 of the Code of Federal Regulation (CFR) are required to develop and implement security plans.

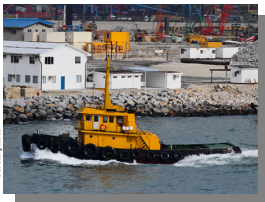
### *My vessel or facility does not meet the specific requirements to be regulated under 33 CFR 104, 105, or 106. How will this rule affect me?*

The Area Maritime Security (AMS) Plan, authorized by 33 CFR part 103, will include security measures that may affect vessels and facilities of any type or size, even if they are not required to develop security plans. These measures, such as security zones around naval vessels and cruise ships, will be announced as required by the Coast Guard. The Coast Guard may also require security actions not included in the AMS Plan.

### *How do these rules apply to recreational vessels and facilities?*

There are no specific security measures for recreational vessels and facilities in the rules. However, the AMS Plan may include security measures that recreational vessels or

facilities will have to comply with. The Captain of the Port (COTP) may also order other security measures for recreational vessels and facilities.



Carla photo

**Small Entity  
Compliance Guide**

If you have questions on this rule, contact:

**The Maritime Security  
Help Desk**

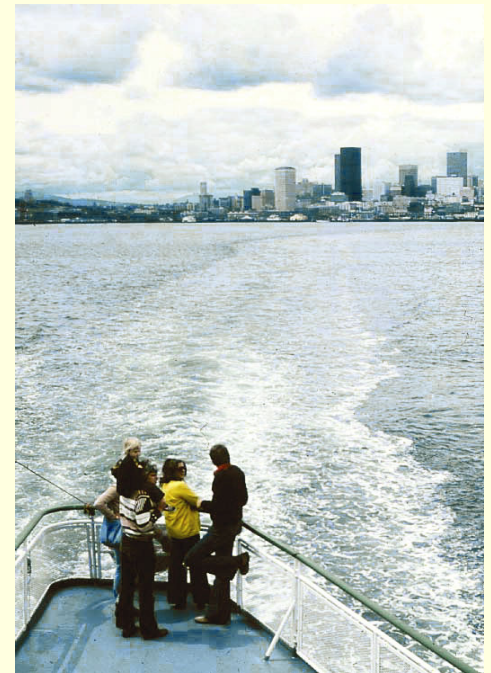
Phone: 202.366.9991  
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**On the front cover:** Photo courtesy of the Washington State Ferries.



## Small Entity Compliance Guide

# Area Maritime Security Rule



## 33 CFR Part 103

United States Coast Guard

## The Basics

**T**he Coast Guard has developed rules that require establishment of an Area Maritime Security (AMS) Committee to develop AMS Plans to increase maritime security. AMS Committees are led by the Coast Guard's Captain of the Port (COTP). Members include business owners, State and local government leaders, and emergency responders.

The AMS Rule is issued under the Maritime Transportation Security Act of 2002 (MTSA). It is part of a comprehensive framework for the security of vessels, ports, and facilities located on or adjacent to U.S. waters. There are specific MTSA rules for **facilities, vessels, certain offshore platforms**, and **Automatic Identification Systems (AIS)** for vessels.

A temporary interim rule on area maritime security took effect on **July 1, 2003**. A final rule, replacing the temporary interim rule, becomes effective on **November 25, 2003**. This Compliance Guide, issued under the Small Business Regulatory Enforcement Act of 1996, offers a plain-language overview of the final rule, but **you should refer to the final rule directly for details**.

### *What is the role of the COTP in maritime security?*

The COTP is the Federal Maritime Security Coordinator, described in the Maritime Transportation Security Act of 2002 (MTSA), for the port. Just as before the MTSA, COTPs have the authority to issue orders to control vessel movement and require additional security measures when necessary to prevent injury or damage to a vessel, waterfront facility, harbor, or port—and also to prevent or respond to acts of terrorism. These COTP actions may affect any vessel or facility near the water, including bridges and other facilities that do not have a pier or dock.

### *What is an Area Maritime Security (AMS) Committee and who are its members?*

The purpose of this committee is to assist the COTP in writing, reviewing, and updating the AMS Plan for the port. This committee consists of representatives from the maritime industry (including labor), Federal, State, and local government, law enforcement and other public safety agencies, and others involved with the port. We encourage small-business representatives to participate in these committees. Contact your local COTP for more information.

### *Are there alternatives to the rule for small businesses?*

While there are no alternatives in the area maritime security rules, the specific vessel and facility rules provide for Alternative Security Programs and other ways to comply. Contact your local COTP or the contact person listed in this brochure for details.

### *How do these rules relate to international initiatives for maritime security?*

The Coast Guard is part of a broad international effort to improve maritime security. In December 2002, new security requirements that align with the MTSA were adopted by over 100 national governments at the International Maritime Organization.

These are called the International Ship and Port Facility Security Code.



## How to Find This Rule

The official area maritime security rule appears in the Code of Federal Regulations (CFR), in part 103 of title 33 after November 25, 2003. The CFR is available through your local



Port of Alexandria, LA.  
Photo courtesy of John Marzulo.

library or on the web at [www.gpo.gov/ecfr](http://www.gpo.gov/ecfr).

To view a copy of the area maritime security rule, you may also visit the Coast Guard's port security website, [www.uscg.mil/hq/g-m/mp/index.htm](http://www.uscg.mil/hq/g-m/mp/index.htm).

You can view the rulemaking record, including the final rule and regulatory analysis, on the web at [dms.dot.gov](http://dms.dot.gov). The docket number for this rule is USCG-2003-14733.